

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Müller et al.
Serial No.: 09/889,093
Int'l filing date: 5 January 2000
Entitled: METHOD FOR ISOLATING DNA
FROM BIOLOGICAL MATERIALS

Group Art Unit: (not yet assigned)

Examiner: (not yet assigned)

Attorney Docket No.: QGN-020.0P US

Assistant Commissioner for Patents

BOX PCT

Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

Transmitted herewith are: [X] Declaration/Power of Attorney signed by all inventors (w/ surcharge); [X] a copy of the Notification of Missing Requirements; [X] a return receipt postcard, for filing in the above-captioned patent application.

FEE FOR ADDITIONAL CLAIMS

[X] A fee for additional claims is not required.

[] A fee for additional claims is required. The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXCESS CLAIMS	RATE	FEES DUE
TOTAL CLAIMS	0	0	0	× \$	= 0.00
INDEPENDENT	0	0	0	× \$	= 0.00
FIRST INTRODUCTION OF MULT. DEPENDENT CLAIM				+\$	= 0.00
TOTAL FEES DUE					= ----

[] Small entity status has previously been established for Applicant(s) in this case.

PAYMENT OF ADDITIONAL CLAIMS FEES

[] A check including the amount of \$_____ for the fee for additional claims is transmitted herewith.

[X] The Commissioner is hereby authorized to charge payment of any additional fees required under 37 CFR §1.16 or §1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate copy of this transmittal letter is transmitted herewith.

PETITION FOR EXTENSION OF TIME

- ☐ Extension is requested under 37 CFR 1.136(a), and the following extension fee is applicable for the paper(s) filed herewith: ☐ \$110.00 for response within first month pursuant to 37 CFR 1.17(a)(1);
☐ \$400.00 for response within second month pursuant to 37 CFR 1.17(a)(2);
☐ \$920.00 for response within third month pursuant to 37 CFR 1.17(a)(3);
☐ \$1,440.00 for response within fourth month pursuant to 37 CFR 1.17(a)(4);
☐ \$1,960.00 for response within fifth month pursuant to 37 CFR 1.17(a)(5).
- ☐ A check including the amount of ☐ \$110.00 ☒ \$400.00 ☐ \$920.00 ☐ \$1,440.00 ☐ \$1,960.00 in payment of the extension fee is transmitted herewith. (check no. _____).
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate copy of this transmittal letter is transmitted herewith.

OTHER FEES

- ☒ A check in the amount of \$130.00 in payment of the oath or declaration surcharge fee under 37 C.F.R. § 1.16(e) is transmitted herewith. {check no. 3687}
- ☒ The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) and enclosures transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0268. A duplicate of this transmittal letter is enclosed.

Respectfully submitted,



Leon R. Yankwich, Reg. No. 30,237
David G. O'Brien, Reg. No. 46,125
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Cambridge, Massachusetts 02139
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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

The undersigned hereby certifies that this correspondence listed above is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10, postage prepaid, Express Mailing Label No. **EL909960101US**, in an envelope addressed to the Asst. Commissioner for Patents, Box PCT, Washington, D.C. 20231 on the date indicated below.

October 15, 2001
date

Stephanie L. Leicht
Stephanie L. Leicht

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Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371**

Sir:

In response to a Notification of Missing Requirements issued on August 17, 2001 and to complete the requirements for acceptance under 35 U.S.C. § 371, Applicants submit herewith an executed Declaration and Power of Attorney under 37 C.F.R. §1.63 along with the surcharge of \$130.00 (check no. 3687) under 37 C.F.R. §1.492(e).

The Office of Initial Patent Examination is requested to make note of the following list of inventors: Oliver Müller, Markus Sprenger-Haussels, Helge Bastian, and Stefanie Vollert. The enclosed Declaration & Power of Attorney is executed by all the above-named inventors. Entry of the executed combined Declaration/Power of Attorney is respectfully requested to complete the formal requirements for this application.

Respectfully submitted,



Leon R. Yankwich, Reg. No. 30,237

David G. O'Brien, Reg. No. 46,125

Attorneys for Applicant(s)

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Cambridge, MA 02139

telephone: (617) 491-4343

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Stephanie L. Leicht



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patent, Trademark, and Copyright
United States Patent and Trademark Office
Washington, D.C. 20590
www.uspto.gov

COPY

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/889093	DER WISSENSCHAFTEN E.V.	M QGN-020.0P U
LEON R YANKWICH YANKWICH & ASSOCIATES 130 BISHOP ALLEN DRIVE CAMBRIDGE, MA 02139		INTERNATIONAL APPLICATION NO. PCT/EP00/00052
RECEIVED Rush/Korotkiy AUG 20 2001 AUG 17 2001 Yankwich & Associates		I.A. FILING DATE 05 JAN 00
		PRIORITY DATE 11 JAN 99
DATE MAILED: 17 AUG 2001		

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):
- | | |
|---|--|
| <input checked="" type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Indication of Small Entity Status. |
| <input checked="" type="checkbox"/> Copy of the international application. | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input checked="" type="checkbox"/> Oath or Declaration of inventors(s). | <input type="checkbox"/> Translation of Article 19 amendments into English. |
| <input type="checkbox"/> Copy of Article 19 amendments. | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Priority Document. | |
| <input type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. | |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. | |
2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
- | | |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- | |
|---|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation. |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)). |
| <input type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. |
| <input checked="" type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917. |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)). |
4. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.
5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☐ PCT/DO/EO/920

John Anderson

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-308-9116



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/889093	R WISSENSCHAFTEN E.V.	QGN-020.0P U
INTERNATIONAL APPLICATION NO.		
PCT/EP00/00052		
I.A. FILING DATE	PRIORITY DATE	
05 JAN 00	11 JAN 99	

LEON R YANKWICH
YANKWICH & ASSOCIATES
130 BISHOP ALLEN DRIVE
CAMBRIDGE, MA 02139

DATE MAILED: 17 AUG 2001

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a),(b) and (f) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the application to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

John Anderson

Telephone: 703-308-9116